

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

GLENN DWAYNE SCOTT,

Petitioner,

v.

CIVIL ACTION NO. 5:06-cv-00419

CHARLES T. FELTS,

Respondent.

JUDGMENT ORDER

Pending before the Court is Petitioner's Application for Writ of Habeas Corpus [Docket 1] filed on May 26, 2006. By Standing Order entered on July 21, 2004, and filed in this case on April 18, 2006, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation (PF&R). On February 20, 2007, Magistrate Judge VanDervort entered his PF&R [Docket 6] recommending the dismissal of Petitioner's application because Petitioner failed to exhaust his administrative remedies and because Petitioner's claim was rendered moot upon his release from prison.

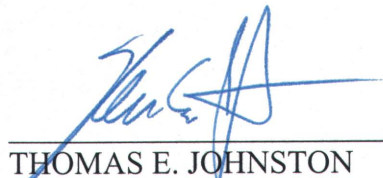
The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984). Here, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ.

P. 72(b), objections to Magistrate Judge VanDervort 's PF&R were due on March 9, 2007. To date, no objections have been filed.

The Court adopts the magistrate judge's PF&R. Accordingly, the Court hereby **DENIES** Petitioner's Application for Writ of Habeus Corpus [Docket 1], **DISMISSES** the action with prejudice; and **DIRECTS** the Clerk to remove this action from the Court's active docket.

The Clerk is further directed to provide a copy of this Judgment Order to all counsel of record and any unrepresented party.

ENTER: November 8, 2007



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE